

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

DOCKET NO. 5:05CR22

UNITED STATES OF AMERICA

v.

CHRISTOPHER LEE HAYES

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**SECOND  
PRELIMINARY ORDER  
OF FORFEITURE**

In the Superseding Bill of Indictment in this case, the United States sought forfeiture of property of the defendant pursuant to 18 U.S.C. §924(d) and 21 U.S.C. §853(a) as property that was proceeds of and/or was used to facilitate the crimes charged, together with any other substitute property, which would be subject to forfeiture under §853(p).

Defendant entered into a plea agreement; subsequently pled guilty to Counts One, Two, Three and Four in the Superseding Bill of Indictment; and was adjudged guilty of the offenses charged in those counts. In the plea agreement, defendant agreed to forfeit specific property as described below.

It is therefore ORDERED:

1. Based upon defendant's plea of guilty, the United States is authorized to seize the following property belonging to defendant, and it is hereby forfeited to the United States for disposition according to law, subject to the provisions of 21 U.S.C. §853(n):

**12 rounds of Winchester ammunition, .308 caliber;**

**One dremel tool manual;**

**73 rounds of assorted ammunition;**

**40 rounds of assorted ammunition;**

**5 rounds of Winchester, .25 caliber ammunition;**

**8 rounds of .45 caliber ammunition;**

**9 rounds of .44 caliber ammunition;**

**98 rounds of .308 caliber ammunition;**

**assorted gun parts and magazines related to a MAK 90, SKS and CETME weapons.**

2. Pursuant to 21 U.S.C. §853(n)(1), the government shall publish in a newspaper of general circulation, notice of this order; notice of its intent to dispose of the property in such manner as the Attorney General may direct; and notice that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in property that is the subject of this order of forfeiture, as a substitute for published notice as to those persons so notified.

3. Upon adjudication of all third-party interests, this Court will enter a final order and judgment of forfeiture pursuant to 21 U.S.C. §853(n).

**SO ORDERED.**

Signed: April 13, 2007

*Carl Horn, III*

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Carl Horn, III  
United States Magistrate Judge

